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**BY E-FILING AND
HAND DELIVERY**

The Honorable Kent A. Jordan
United States District Court
for the District of Delaware
844 North King Street
Wilmington, Delaware 19801

Re: *Novozymes A/S v. Genencor International, Inc. et al.*
C.A. No. 05-160 (KAJ)

Dear Judge Jordan:

We write to briefly respond to the letter sent yesterday by Plaintiff Novozymes A/S regarding the recent order granting a permanent injunction in *Smith & Nephew, Inc. v. Synthes (U.S.A.)*, No. 02-2873 (W.D. Tenn. Sept. 28, 2006). Far from being “similar to the captioned matter,” *Smith*, like each of the patent cases which has granted an injunction following *eBay Inc. v. MercExchange L.L.C.*, 126 S. Ct. 1837 (2006), involved a patentee who exploited its own patent. Unlike Novozymes A/S, the patentee in *Smith*, practiced the patent at issue, licensed it for profit (even to competitors), and directly competed in the relevant market.

We also wish to draw the Court’s attention to the fact that on October 3rd the Federal Circuit issued an order staying the permanent injunction in a case which Novozymes had relied upon in its Reply Brief. See *TiVo Inc. v. EchoStar Communs. Corp.*, No. 2006-1574, slip op. (Fed. Cir. Oct. 3, 2006) (attached as Exhibit A).

We stand ready to discuss these issues with the Court if it would be assistance.

Respectfully yours,

/s/ Donald E. Reid

Donald E. Reid

DER/amr